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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/467,706	12/20/1999	PAT CONDON	DC-01916(163	2712
27683	7590	07/19/2004	EXAMINER	
HAYNES AND BOONE, LLP 901 MAIN STREET, SUITE 3100 DALLAS, TX 75202			STAMBER, ERIC W	
			ART UNIT	PAPER NUMBER
			3622	
DATE MAILED: 07/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/467,706

Applicant(s)

CONDON ET AL.

Examiner

M Kemper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 and 18-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 and 18-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-16,18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kroening et al., patent number 6080207 in view of Astarabadi, patent number 6466836 further in view of Dharnipragada, patent number 6490493 further in view of Dinitz, "Rules-Based System Performs Best in Configure-to-Order" Industrial Engineering, v.23, n.2, p.20(2), 2/1991.

Kroening et al. teaches a method and corresponding apparatus for automatically manufacturing a computer comprising: receiving an order from a customer (col. 4, lines 5-45); assembling the hardware (col. 4, lines 5-45, col. 5, lines 30-35); loading onto the computer a software package specified by the order including recording the modification as an auto-configuration file and for each modification, determining configuration data corresponding to the respective modification and entering the configuration data as the software package is loaded (col. 5, lines 15-40, col. 7, lines 10-50, col. 8, lines 5-35).

Kroening also teaches verifying the modifications (col. 5, lines 15-25); downloading the order to a manufacturing unit (col. 7, lines 10-50); including an auto-configuration indicator in the order (col. 7, lines 20-30); generating a flag to look for the special configuration requirement, making an inquiry to a manufacturing database for the special configuration requirement and applying the requirement to the order (col. 7, lines 15-col. 8, line 20).

Astarabadi teaches a manufacturer receiving an order from a customer for a special configuration computer (col. 8, lines 10-15); the customer selecting hardware components (col. 4, lines 10-55); providing an Internet-accessible page for ordering (col. 7, lines 55-65) and generating an order reference number (abstract, summary). It would have been obvious to one having ordinary skill in the art at the time of the invention to have used the ordering interface of Astarabadi in the system of Kroening since the ordering interface of Astarabadi provides improved efficiency in ordering, manufacturing, and tracking of built to order systems (col. 1, lines 50-55) as in Kroening.

Dharnipragada teaches a customer receiving guidance from the manufacturer to assist in selecting the hardware in a built to order system (col. 5, lines 1-10); verifying modifications against order details (col. 5, lines 10-20, col. 7, lines 1-10); logging modifications as they are made (built database). It would have been obvious to one having ordinary skill in the art at the time of the invention to have provided the customer guidance and verification and logging of Dharnipragada in the system of Kroening/Astarabadi since the guidance and verification and logging would have provided simplification of the specifications of the order and management of built to order manufacturing as suggested in Dharnipragada in addition to providing a feasible combination of components of the built system of Kroening/Astarabadi.

Dinitz teaches validating the configuration is within the manufacturer's capabilities (p.2). It would have been obvious to one having ordinary skill in the art at the time of the invention to have included validating the configuration as in Dinitz in the system of Kroening/Astarabadi/Dharnipragada since the validation of Dinitz would have

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prevented errors before manufacturing and since Dinitz suggests use of validation rules in configure (or assemble) to order systems such as in Kroening/Astarabadi/Dharnipragada. It also would have been obvious to have designated the order as a special configuration order since this is well known in the art for scheduling and routing the order.

3. Claims 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dharnipragada in view of Kroening as above, further in view of Dinitz, "Rules-Based System Performs Best in Configure-to-Order" Industrial Engineering, v.23, n.2, p.20(2), 2/1991.

Dharnipragada teaches a method of automatically manufacturing comprising: receiving a special configuration order (col. 5, lines 50-67); providing guidance to the customer for choosing the configuration (col. 5, lines 1-10); passing the order to a modification unit and then to a validation unit (col. 5, lines 5-25); checking for consistency between the order and the configuration details (col. 5, lines 5-25); making configuration details available to a control unit (col. 9, lines 1-15); detecting modification flag and obtaining corresponding configuration details (col. 4, lines 10-30, col. 5, lines 30-50); checking configuration details with a database to determine implementation (col. 7, lines 1-25).

Kroening teaches manufacturing a computer system and entering appropriate data into the computer being manufactured (abstract, summary). It would have been obvious to one having ordinary skill in the art at the time of the invention to have adopted the system of Dharnipragada for manufacturing a computer as in Kroening

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since Dharnipragada is not limited as to the type of manufacture (col. 9, lines 40-60) and since Kroening would have benefited from the guidance, verification and ordering of Dharnipragada in simplification of specification of the computer and management of the built computers.

Dinitz teaches validating the configuration is within the manufacturer's capabilities (p.2). It would have been obvious to one having ordinary skill in the art at the time of the invention to have included validating the configuration as in Dinitz in the system of Kroening/Dharnipragada since the validation of Dinitz would have prevented errors before manufacturing and since Dinitz suggests use of validation rules in configure (or assemble) to order systems such as in Kroening/Dharnipragada. It also would have been obvious to have designated the order as a special configuration order since this is well known in the art for scheduling and routing the order.

4. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Nick, patent number 6,003,012 teaches designating an order as a special configuration (fig. 6, col. 7, line 56 – col. 8, line 2, col. 15, lines 35-50).

Smith et al., patent number 6,052,669 teaches validating a configuration is within the manufacturer's capabilities (col. 1, lines 45-50, col. 2, lines 9-23).

Lee, patent number 5,765,137 teaches determining manufacturer's capability (abstract).

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M Kemper whose telephone number is 703-305-9589. The examiner can normally be reached on M-F (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric W. Stamber can be reached on 703-305-8469. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



M. Kemper
Primary Examiner
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MK